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The Commonwealth of Massachusetts

Executive Office of Public Safety

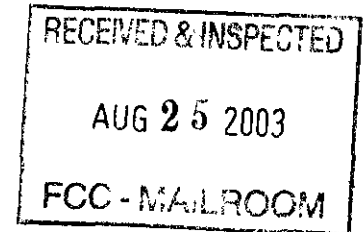
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Edward A. Flynn
Secretary

August 15, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, D.C. 20554



Dear Secretary Dortch:

Enclosed please find comments from the Massachusetts Statewide Emergency Telecommunications Board submitted for filing in the **Petition for Rulemaking on Compliance by Carriers with Relevant Statutory Provisions on Disclosure of Customer Information in 911 Emergencies**, RM-10715, DA 03-1952.

Thank you for your assistance with this matter.

Sincerely,

Anne Marie Ferreira
Assistant General Counsel

cc. Attached Service List

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Petition for Rulemaking on Compliance)	
By Carriers with Relevant Statutory)	RM-10715
Provisions on Disclosure of Customer)	
Information in 911 Emergencies)	

**COMMENTS OF THE MASSACHUSETTS STATEWIDE EMERGENCY
TELECOMMUNICATIONS BOARD**

Introduction

The Massachusetts Statewide Emergency Telecommunications Board ("SETB") submits these comments in connection with the above referenced matter in response to Public Notice DA 03-1952 by the *Federal Communications Commission* ("FCC") issued on June 16, 2003. The SETB supports the Petition for Rulemaking (RM-10715) submitted by the National Emergency Number Association ("NENA"), the Association of Public-Safety Communications Officials-International, Inc. ("APCO") and the National Association of State Nine One One Administrators ("NASNA"). The SETB supports rulemaking by the FCC that would require wireless carriers to provide location and subscriber information to emergency personnel for wireless 911 calls.

The SETB is a board under the jurisdiction of the Executive Office of Public Safety, an executive branch agency of the Commonwealth of Massachusetts. The SETB is responsible for coordinating and implementing wireline and wireless enhanced 911 in Massachusetts. In addition, the SETB administers the service, including but not limited to the promulgation of technical and operational standards of design and implementation, of 274 public safety answering points (PSAPs) that utilize enhanced 911 network features. In Massachusetts, most municipalities have PSAPs where dispatchers receive emergency calls made through wireline carriers. The Massachusetts State Police, however, receive all emergency calls made through wireless carriers. The Massachusetts State Police has also submitted comments to the FCC regarding this petition.

Current Procedure

Dispatchers at Massachusetts PSAPs are confronted with life and death emergency situations on a daily basis. These dispatchers are trained to provide temporary medical assistance and a calming presence to those in need. The most important aspect of a dispatcher's job is the ability to successfully communicate to emergency personnel the location of a caller or the individual in need of assistance. This ability is severely impaired when the call comes from a cellular/wireless telephone.

also place a clause within all subscriber contracts allowing the dissemination of the information pursuant to 18 U.S.C. § 2703(c). This clause would essentially provide implied consent by the subscriber to disseminate subscriber information.

If the FCC adopted a requirement that wireless carriers attain the consent of subscribers for the release of subscriber information in any circumstance, the need for a mandatory disclosure by wireless carriers of subscriber information would no longer exist. The FCC, however, should, to the extent that it is within the FCC's power and this rulemaking, ensure whether through mandatory disclosure or subscriber consent, that wireless carriers disseminate subscriber information to dispatchers for emergency situations in a timely and efficient manner.

National Guidelines

The SETB supports, to the extent that it is within the FCC's powers and this rulemaking, the establishment of national guidelines for the dissemination of subscriber information by wireless carriers, if more guidance cannot be provided regarding the federal statutes previously discussed. Currently, in Massachusetts, the SETB and the Massachusetts State Police have proposed a policy for the dissemination of wireless carrier subscriber information to dispatchers for emergency situations. The six wireless carriers operating in Massachusetts agreed to cooperate with the provisions of the proposed policy. The proposal follows the basic procedure outlined in most wireless carriers' emergency policies but there are two important differences. First, through agreement with the wireless carriers, the policy allows the use of one universal Wireless Subscriber Information Request Form. The ability to use one information request form allows the dispatchers to use their time and energy in a more efficient manner. Second, through agreement with the wireless carriers, each carrier has provided an additional emergency number to call when a dispatcher seeks subscriber information. Under the proposed SETB/State Police policy, each wireless carrier has provided an additional after hour emergency number where dispatchers may reach an actual person, instead of an answering machine, to request the information.

Conclusion

The SETB supports rulemaking by the FCC that would require wireless carriers to

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**SERVICE LIST
As of August 15, 2003**

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, D.C. 20554

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